

Founded in 1852
by Sidney Davy Miller

MILLER CANFIELD

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November 24, 2010

Mr. Corbin Davis
Clerk of the Court
Michigan Supreme Court
P. O. Box 30052
Lansing, MI 48909

RE: ADM File No. 010-18
Proposed Amendment to the "Pro Bono Rule" MRPC 6.1

Dear Mr. Davis,

I write to you as Clerk of the Michigan Supreme Court on behalf of Miller, Canfield, Paddock and Stone, P.L.C. and as its former CEO and current Chair of its Pro Bono Committee and urge the Court to adopt the Alternative B version of the proposed amendments to MRPC 6.1. We believe that adoption of Alternative B would assist our firm in encouraging our attorneys to undertake pro bono representations and also aid our solicitation of our attorneys of financial support for qualified pro bono organizations.

As a Firm, we expect all of our attorneys to (1) devote a minimum of 30 hours each year to pro bono legal services, or (2) contribute financially each year to an approved legal service organization consistent with applicable guidelines.

Further, the Firm extends economic "credit" for up to 50 hours of pro bono legal work for each of its attorneys and treats legal services as pro bono services to the extent that such service relates to:

- Low Income Persons: Representation of low income persons and organizations that provide assistance to low income persons;
- Civil Rights and Public Rights Laws: Representation or advocacy on behalf of individuals or organizations seeking to vindicate rights with broad societal implications (e.g. class action suits or suits involving constitutional or civil rights) where it is inappropriate to charge legal fees or where the payment of standard legal fees would significantly diminish the resources of the organization, with an emphasis

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on service to organizations designed primarily to meet the needs of persons of limited income or improve the administration of justice; and

- **Eligible Nonprofit Organizations:** The provision of legal assistance to charitable, religious, civic, community, governmental or educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate.

Our definition of pro bono service largely tracks the ABA definition of pro bono and that which in place in most states. It also emphasizes that pro bono representation should be largely directed to serve those who face economic barriers to obtaining legal representation, while still permitting the representation of non-profit organizations that themselves have financial barriers to receiving legal representation. Alternative B better reflects our view of pro bono service and that which prevail across the country and is also helpful to our Firm and to our lawyers in its prescriptive enumeration of eligible pro bono activities.

Parenthetically, I would also note that the \$300 standard in the current rule is an extremely modest amount and has become more so over time. Alternative B's suggestion that \$500 be the appropriate amount for those who are financially able is a more realistic direction for members of the Bar and is a further reason to support the adoption of Alternative B.

Miller Canfield believes that each lawyer is privileged to practice in our great profession and that the pro bono obligation is modest recompense to society for that privilege. Adoption of Alternative B would give clearer direction to our lawyers as to appropriate ways that they may honor that privilege.

Thank you very much for reviewing these comments and your consideration of this modification of Rule 6.1.

Yours very truly,

MILLER, CANFIELD, PADDOCK AND STONE, P.L.C.

By: 

Thomas W. Linn
Chairman Emeritus and Chair of Pro Bono
Committee

cc: Michael W. Hartmann, Esq.
Timothy L. Andersson, Esq.
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